IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6287 OF 2005

1. The Commissioner,
   Mira Bhayander Municipal
   Corporation, Chhatrapati
   Shivaji Marg, Bhayander
   (West), Dist: Thane.

2. Mira Bhayander Municipal
   Corporation, Chhatrapati
   Shivaji Marg, Bhayander
   (West), Dist: Thane. .... Petitioners

- Versus -

1. Shri Kiran Mohan Rathod,
   12, New P.K. Niwas Society,
   S.V. Road, Vile Parle (W),
   Mumbai-56.

2. Shri Nitin Raghunath Mukane,
   202, Vijanath Apartment,
   Sriram Nagar, Palghar(W),
   Dist: Thane.

3. Shri Sharad G. Nanegaokar,
   401, Ajinkayatara Building,
   Near Telawane House,
   Majiwada, Thane (West).

4. Shri Hemchandra M. Kini,
   Gopal Krishna Apartment,
   At Umelman, P.O. Vasai
   Road, Taluka Vasai,
   Dist: Thane. .... Respondents

Shri R.S. Apte for the Petitioners.
Ms Trupti P. Rangnekar i/b Shri D.S. Sakhal
for the Respondent No.1.
Sarvasri Arshad Shaikh with Liyakat Sawant
i/b V.M. Parkar for the Respondent Nos.2 to 4.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: DECEMBER 13, 2006

ORAL JUDGMENT:

1. Heard. Rule. By consent, the impugned order is hereby modified as under:

(a) The directions given under the Clauses (i) and (ii) of the impugned order do not survive.

(b) The direction given under the Clause (iii) of the impugned order stands modified to the extent that the direction is to consider the claim of the respondent/complainant for promotion to the post of Deputy Engineer in accordance with the provisions of law and bearing in mind the settlement arrived at between the parties including the respondent herein in Complaint (ULP) No.149 of 2005 and accepted by the Industrial Court under the order dated 4-9-2006.

2. The records which were received from the Industrial Court, Thane in Complaints (ULP) Nos.149 of 2005 and 204 of 2005 be returned to the concerned Court.

3. The rule is made absolute in above terms with no order as to costs.

(R.M.S. Khandeparkar, J.)

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